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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,101	05/16/2005	Kiyomi Sakamoto	2005_0802A	3578

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EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/535,101	Applicant(s) SAKAMOTO ET AL.	
	Examiner TUAN A. PHAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/16/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 05/16/2005 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1-2, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Motegi et al. (Patent No.: US 6,898,423, hereinafter, "Motegi").**

Regarding claims 1 and 11, Motegi teaches a mobile communication device capable of data communication through an ad hoc network, the device comprising (see figure 1, col.1, ln.39-45):

a reception section for receiving inquiry information for inquiring whether to accept or deny participation in the ad hoc network, the inquiry information being sent from another mobile communication device (see figures 2&3, col.4, ln.27-45, col.5, ln.53-67, col.6, ln.1-10, the group management 12 broadcast the participation information to the mobile for joining the group or not joining the group);

a condition determination section for, after the reception section receives the inquiry information, determining whether at least one preset condition is satisfied (see figures 2&3, col.4, ln.27-45, col.5, ln.53-67, col.6, ln.1-10, after receive the participation from the group management 12, the mobile satisfier to join the group); and

transmission section generating information denying the participation in the ad hoc network based a determination result of the condition determination section, and for transmitting the information to the another mobile communication device (see figures 2&3, col.4, ln.27-45, col.5, ln.53-67, col.6, ln.1-10, after receive the participation from the group management 12, the mobile not satisfier to join the group).

Regarding claim 2, Motegi further teaches the condition determination section determines whether the at least one condition is satisfied based on a state of the mobile communication device col.4, ln.10-26).

Regarding claim 10, Motegi further teaches being mounted in a vehicle (see figure 7, ln.12-18).

Regarding claim 12, Motegi further teaches a computer program (see figure 2, it obvious that the center component should be have the program to operate).

Regarding claim 13, Motegi further teaches a program is stored in a storage medium (see figure 2, it obvious that the center component should be have a memory to store the program).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motegi et al. (Patent No.: US 6,898,423, hereinafter, "Motegi") in view of Puthenkulam et al. (Pub. No.: US 2003/0050977, hereinafter, "Puthenkulam").**

Regarding claim 4, Motegi discloses invention, but fails to disclose the condition determination section determines that the state detection section has detected the mobile communication device as being in communication, the transmission section generates the information for denying the participation in the ad hoc network. However, Puthenkulam teaches such features (see [004-005]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Puthenkulam into view of Motegi in order to provide an ad hoc network service to the user.

Allowable Subject Matter

7. Claims 3, and 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Okanoué et al. (U.S. Pub. No. 2003/0081567), Tzamaloukas (U.S. Pub. No. 2004/0130374), Robinson et al. (U.S. Pub. No. 2003/0083061), and Gutierrez et al. (U.S. Pub. No. 2004/023855) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is

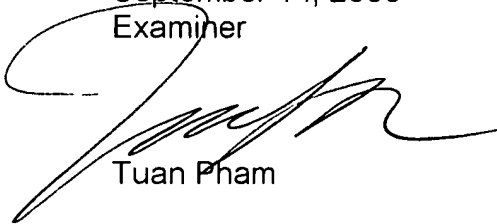
(571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618
September 14, 2006
Examiner

Supervisory Patent Examiner
Technology Center 2600



Tuan Pham



Matthew Anderson